

**SUPREME COURT MINUTES
THURSDAY, MARCH 7, 2013
SAN FRANCISCO, CALIFORNIA**

S190713 G040716 Fourth Appellate District, Div. 3 **PEOPLE v. WILKINS (COLE ALLEN)**

Opinion filed: Judgment reversed

The judgment of the Court of Appeal upholding defendant's conviction for first degree murder is reversed, and the matter is remanded for further proceedings consistent with this opinion.

Majority Opinion by Cantil-Sakauye, C. J.

-- joined by Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S207371 B230260 Second Appellate District, Div. 2 **PEOPLE v. SANCHEZ (MARCOS)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 12, 2013.

S207614 G046114 Fourth Appellate District, Div. 3 **PEOPLE v. RODRIGUEZ (ANTONIO)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 2, 2013. This order is entered nunc pro tunc as of February 22, 2013.

S207719 G045222 Fourth Appellate District, Div. 3 **PEOPLE v. OCEGUERA (JOSEPH ANTHONY)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 12, 2013.

S207732 D059553/D062392 Fourth Appellate District, Div. 1 **PEOPLE v. ACOSTA (VICTOR A.)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 17, 2013.

S207967 B236685 Second Appellate District, Div. 5 **PEOPLE v. OLIVARES
(JORGE LUIS)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 18, 2013.

S207973 C065399 Third Appellate District **PEOPLE v. SIACKASORN
(JIMMY)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 16, 2013.

S207991 B234835 Second Appellate District, Div. 8 **PEOPLE v. CASTILLO
(CIRILO)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 17, 2013.

S208009 B233521 Second Appellate District, Div. 3 **FIRE INSURANCE
EXCHANGE v. ANAPOL
(NEIL R.)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 16, 2013.

S208012 B238605 Second Appellate District, Div. 7 **PROSAD (JASU) v. DEL
TACO RESTAURANT
SERVICES, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to April 15, 2013.

S208020 H037151 Sixth Appellate District **PEOPLE v. FORD (DEARYL
TUCKER)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 12, 2013.

S208025 A128201 First Appellate District, Div. 5 **PEOPLE v. YORK (KENNETH
PAUL)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 17, 2013.

S208028 F062641 Fifth Appellate District **PEOPLE v. HERRERA (JOSE ANTONIO)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 16, 2013.

S208030 D057485 Fourth Appellate District, Div. 1 **PEOPLE v. THOMAS (EDWARD EUGENE)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 18, 2013.

S208039 B231296 Second Appellate District, Div. 7 **PEOPLE v. QUINTANILLA (BRIAN GEOVANNI)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 17, 2013.

S208047 F062517 Fifth Appellate District **PEOPLE v. VELASQUEZ (ANDREW FRANCISCO)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 17, 2013.

S208048 E053749 Fourth Appellate District, Div. 2 **PEOPLE v. CHAPMAN (LARRY DALE)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 17, 2013.

S208053 A132094 First Appellate District, Div. 5 **PEOPLE v. DUDNEY (THOMAS)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 17, 2013.

S208078 E053674 Fourth Appellate District, Div. 2 **PEOPLE v. WAINSCOTT, JR., (ROBERT EUGENE)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 18, 2013.

S208083 B245926 Second Appellate District, Div. 3 **MOORE (JOSEPH) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 18, 2013.

S208088 F062914 Fifth Appellate District **PEOPLE v. SCOTT (RICHARD)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 18, 2013.

S208107 H037099 Sixth Appellate District **PEOPLE v. JASSO (ALEXANDER JAVIER)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 18, 2013.

S208112 G045622 Fourth Appellate District, Div. 3 **BANNING RANCH CONSERVANCY v. CITY OF NEWPORT BEACH (NEWPORT BANNING RANCH LLC)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 18, 2013.

S208118 A129535 First Appellate District, Div. 2 **VERONESE (JULIE GILMAN) v. LUCASFILM LTD.**

The time for granting or denying review in the above-entitled matter is hereby extended to April 18, 2013.

S204804 **PEABODY (SUSAN J.) v. TIME WARNER CABLE, INC.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief is extended to March 15, 2013.

S207458**ALLEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that MARIE DARLENE ALLEN, State Bar Number 138263, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for one year subject to the following conditions:

1. MARIE DARLENE ALLEN is suspended from the practice of law for the first 30 days of probation;
2. MARIE DARLENE ALLEN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on July 31, 2012; and
3. At the expiration of the period of probation, if MARIE DARLENE ALLEN has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

MARIE DARLENE ALLEN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S207472**BAUTISTA ON DISCIPLINE**

Recommended discipline imposed

The court orders that ALLYSON ERWIN De GUZMAN BAUTISTA, State Bar Number 202023, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. ALLYSON ERWIN De GUZMAN BAUTISTA is suspended from the practice of law for the first six months of probation;
2. ALLYSON ERWIN De GUZMAN BAUTISTA must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 30, 2012; and
3. At the expiration of the period of probation, if ALLYSON ERWIN De GUZMAN BAUTISTA has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

ALLYSON ERWIN De GUZMAN BAUTISTA must also take and pass the Multistate Professional Responsibility Examination as set forth in the stipulated facts and disposition as recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation or within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

ALLYSON ERWIN De GUZMAN BAUTISTA must also comply with California Rules of

Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2014 and 2015. If ALLYSON ERWIN De GUZMAN BAUTISTA fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S207478**CARRIERE ON DISCIPLINE**

Recommended discipline imposed

The court orders that DAVID JOSEPH CARRIERE, State Bar Number 178002, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. DAVID JOSEPH CARRIERE must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 26, 2012; and
2. At the expiration of the period of probation, if DAVID JOSEPH CARRIERE has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

DAVID JOSEPH CARRIERE must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S207480**GALLEGOS ON DISCIPLINE**

Recommended discipline imposed

The court orders that NICOLE ROSIE GALLEGOS, State Bar Number 231744, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. NICOLE ROSIE GALLEGOS is suspended from the practice of law for a minimum of the first nine months of probation, and she will remain suspended until the following requirements are satisfied:
 - i. She makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:

- (1) Neil P. Ryan in the amount of \$3,995 plus 10 percent interest per year from July 5, 2009;
 - (2) Michael and Tonya Williams in the amount of \$2,495 plus 10 percent interest per year from May 22, 2009;
 - (3) Gary and Evelyn Stoddard in the amount of \$2,494.98 plus 10 percent interest per year from February 24, 2010;
 - (4) Jesse Morris III and Christina Begay-Morris in the amount of \$2,995 plus 10 percent interest per year from June 20, 2009;
 - (5) Masoud and Kelly Jalipour in the amount of \$2,495 plus 10 percent interest per year from February 18, 2010;
 - (6) Stephen Roberson in the amount of \$3,500 plus 10 percent interest per year from January 20, 2010; and
 - (7) Sherri Agnifili in the amount of \$1,875 plus 10 percent interest per year from June 1, 2009.
- ii. If she remains suspended for two years or more as a result of not satisfying the preceding condition, she must also provide proof to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law before her suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. NICOLE ROSIE GALLEGOS must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 26, 2012.
3. At the expiration of the period of probation, if NICOLE ROSIE GALLEGOS has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

NICOLE ROSIE GALLEGOS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of her suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

NICOLE ROSIE GALLEGOS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with her membership fees for each of the years 2014, 2015, and 2016. If NICOLE ROSIE GALLEGOS fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S207483**LAVERTY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that CRAIG MICHAEL LAVERTY, State Bar Number 176586, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

CRAIG MICHAEL LAVERTY must make restitution to the following payees:

- (1) Mikhail and Vera Vlasenko in the amount of \$2,495 plus 10 percent interest per year from February 3, 2010;
- (2) Leland White III in the amount of \$3,900 plus 10 percent interest per year from November 19, 2009;
- (3) John Smillie in the amount of \$2,950 plus 10 percent interest per year from January 30, 2010;
- (4) Michael Tordone in the amount of \$3,500 plus 10 percent interest per year from January 8, 2010;
- (5) Gregory Miller in the amount of \$2,995 plus 10 percent interest per year from February 22, 2010;
- (6) Daniel and Susan Manson in the amount of \$11,980 plus 10 percent interest per year from December 19, 2009;
- (7) Danielle Williams in the amount of \$6,800 plus 10 percent interest per year from February 5, 2010;
- (8) Gary and Tina Ranno in the amount of \$4,000 plus 10 percent interest per year from February 6, 2010;
- (9) Ahmed Shahat in the amount of \$6,000 plus 10 percent interest per year from March 2, 2010;
- (10) Maj. Eduardo Escobar, M.D. in the amount of \$4,000 plus 10 percent interest per year from April 30, 2010;
- (11) Robert Sears in the amount of \$4,500 plus 10 percent interest per year from March 28, 2010;
- (12) Mort Hosseini in the amount of \$3,750 plus 10 percent interest per year from June 30, 2010;
- (13) Charlie Hairston in the amount of \$5,600 plus 10 percent interest per year from July 30, 2010; and
- (14) Manual Diaz-Carabez in the amount of \$5,600 plus 10 percent interest per year from December 31, 2009.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

CRAIG MICHAEL LAVERTY must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S207562**THOMPSON ON DISCIPLINE**

Recommended discipline imposed

The court orders that INDIA SHERRYL THOMPSON, State Bar Number 143787, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for three years subject to the following conditions:

1. INDIA SHERRYL THOMPSON is suspended from the practice of law for the first 90 days of probation;
2. INDIA SHERRYL THOMPSON must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 2, 2012; and
3. At the expiration of the period of probation, if INDIA SHERRYL THOMPSON has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

INDIA SHERRYL THOMPSON must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

INDIA SHERRYL THOMPSON must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S207563**TORABI ON DISCIPLINE**

Recommended discipline imposed

The court orders that KASRA SEYED TORABI, State Bar Number 240233, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. KASRA SEYED TORABI is suspended from the practice of law for the first 60 days of probation;
2. KASRA SEYED TORABI must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 29, 2012; and
3. At the expiration of the period of probation, if KASRA SEYED TORABI has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

KASRA SEYED TORABI must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S207565

**ZEROUNIAN ON
DISCIPLINE**

Recommended discipline imposed

The court orders that TANYA CORA ZEROUNIAN, State Bar Number 235207, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for eighteen months subject to the following conditions:

1. TANYA CORA ZEROUNIAN is suspended from the practice of law for the first six months of probation;
2. TANYA CORA ZEROUNIAN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 29, 2012; and
3. At the expiration of the period of probation, if TANYA CORA ZEROUNIAN has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

TANYA CORA ZEROUNIAN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

TANYA CORA ZEROUNIAN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One third of the costs must be paid with her membership fees for each of the years 2014, 2015, and 2016. If TANYA CORA ZEROUNIAN fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
APRIL 3 and 4, 2013**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California, on April 3 and 4, 2013.

WEDNESDAY, APRIL 3, 2013 — 9:00 A.M.

- (1) S174475 Sonic-Calabasas A. Inc. v. Moreno (Frank B.)
- (2) S192828 City of Los Angeles et al. v. Superior Court of Los Angeles Co.
(Engineers & Architects Assn., Real Parties in Interest)
- (3) S191948 Doe (John) v. Harris (Kamala D.)

2:00 P.M.

- (4) S204622 In re I. J. et al.; Los Angeles Dept. of Children and Family Services v. J. J.
- (5) S073597 People v. Lopez (Juan Manuel) [Automatic Appeal]

THURSDAY, APRIL 4, 2013 — 9:00 A.M.

- (6) S196830 El-Attar (Osamah) v. Hollywood Presbyterian Medical Center
- (7) S198562 Biancalana (David) v. T. D. Service Company
(*Manella, J., assigned justice pro tempore; Baxter, J., not participating*)
- (8) S198324 People v. Santana (Serafin)

1:30 P.M.

- (9) S197735 Robey (Kewhan) v. Superior Court of Santa Barbara County
(People, Real Party in Interest)
- (10) S091915 People v. Nunez (Daniel) and Satele (William Tupua) [Automatic Appeal]
- (11) S048543 People v. Rountree (Charles F.) [Automatic Appeal]

CANTIL-SAKAUYE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)